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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,384	01/18/2002	Michel Marcel Jose Decre	NL010047	3944

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EXAMINER

PARKER, FREDERICK JOHN

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 05/12/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/052,384

Applicant(s)

Examiner

Group Art Unit

Opn 7

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE —3— MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- Responsive to communication(s) filed on 6/11/02
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- Claim(s) 1-6 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- Claim(s) _____ is/are allowed.
- Claim(s) 1-6 is/are rejected.
- Claim(s) _____ is/are objected to.
- Claim(s) _____ are subject to restriction or election requirement

Application Papers

- The proposed drawing correction, filed on _____ is approved disapproved.
- The drawing(s) filed on _____ is/are objected to by the Examiner
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

All Some* None of the:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received
in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- Information Disclosure Statement(s), PTO-1449, Paper No(s). 6 Interview Summary, PTO-413
- Notice of Reference(s) Cited, PTO-892 Notice of Informal Patent Application, PTO-152
- Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

The following order or arrangement is preferred in framing the specification and, except for the reference to the drawings, each of the lettered items should appear in upper case, without underling or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
- (b) Cross-Reference to Related Applications.
- © Statement Regarding Federally Sponsored Research or Development.

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- (d) Reference to a "Sequence Listing," a table, or a computer program listing appendix submitted on compact disc (see 37 CFR 1.52(e)(5)).
- (e) Background of the Invention.
 - 1. Field of the Invention.
 - 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) Brief Summary of the Invention.
- (g) Brief Description of the Several Views of the Drawing(s).
- (h) Detailed Description of the Invention.
- (i) Claim or Claims (commencing on a separate sheet).
- (j) Abstract of the Disclosure (commencing on a separate sheet).
- (k) Drawings.
- (l) Sequence Listing, if on paper (see 37 CFR 1.821-1.825).

Claim Objections

3. Claims 1-6 are objected to because of the following informalities: (1) in the claims, "characterized in that" should be replaced with transitional language more consistent with US patent policy. (2) in claim 1, line 7, the word "first" or "second" should be inserted before liquid for clarity. (3) Claim 4, in the

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Markush group, a comma should be inserted after the second occurrence of "group" on line 3 for clarity. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-2, 4-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 1 is vague and indefinite because the meaning of the phrase "having an advancing spray front, and the track (12) resulting from said liquid upon solidification thereof" in context is unclear and confusing.
- Claim 2 is vague and indefinite because on line 3, the meaning of the liquid having "a lead" is unclear. For examination, it is broadly interpreted to mean that the first liquid is applied prior to the second liquid.
- Claims 4-5 are vague and indefinite because it is unclear if the phrase "a compound" is the same or different from that of claim 3, on which they depend;

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for examination, they will be assumed to be the same given page 3, page 5, 12-16, and the example, of the specification.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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8. Claims 1-4,6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haruta et al US 6153263.

Haruta et al teaches a method of applying to a fiber substrate (Applicants' substrate is not limited in the claims) an outlining border of a aqueous liquid comprising an antibleeding agent such as a silicone compound by ink jet printing (= "spraying" according to Applicants' disclosure and claim 6) prior to ("has a lead over", per claim 2) ink jet printing of a second aqueous, colored liquid ink within the borders of the first application to prevent bleeding and color mixing across the borders. The borders would be "relief patterns" because they would have at least some elevation after deposition and provide distinction or contrast (an alternate meaning of "relief") between adjacent subsequently applied colored areas. Since the first ink is applied before the second ink, at least some degree of drying of the first ink occurs prior to application of the second ink. It is apparent that the first liquid comprising an antibleeding agent (including silicone compounds) is fixed to the substrate and repels the second ink in order for it to be "antibleeding". Since the designs of the reference are unlimited, the application of a track design of two parallel depositions with the center infilled by the second ink would have been an obvious choice within the purview of one of ordinary skill. Given the inherent water repellency of silicone

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compounds, the use of any conventional silicone such as those containing an alkoxy silyl or halosilyl group as the antibleeding agent in the first liquid ink would have been obvious because of its expectation of repelling the second, aqueous ink to inhibit bleeding.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to carry out the method of Haruta et al for any selected design such as a track design because the reference is not limited as to the shape or type of designs that can be made using the method.

9. The prior art does not teach nor suggest to use a compound with a thiol group as the first liquid per claim 5 having a head group that bonds to the substrate and a tail group which repels the second liquid as described on page 3, page 5, 12-16, and the example. Claim 5 is objected to for depending from a rejected base claim, and further has been rejected under 35 USC 112 above.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 3811915 teaches to apply silicone -containing ink patterns followed by application of a second liquid coating thereon, the latter

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liquid coating material being repelled by the ink to regions/ tracks between the ink deposits per figure 3.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred J. Parker whose telephone number is (703) 308-3474.



Fred J. Parker

**FRED J. PARKER
PRIMARY EXAMINER**

April 10, 2003

10-052384